

## **REMARKS**

In the Office Action, the Examiner indicated that the remarks of the amendment filed on October 11, 2002, (and which was received by the Patent Office on October 17, 2002) fails to point out how claims 1 - 5 are patentable in view of the prior art of record.

### **Previous Amendment**

In the previous amendment the following remarks were presented.

In the Office Action, the Examiner rejected claims 2 and 4 under the second paragraph of section 112, rejected claims 1, 2 and 5 as anticipated by Prashant et al., rejected claim 3 as obvious over Prashant in view of Gamma et al., rejected claim 4 as obvious over Prashant in view of Schmidt, and made additional prior art of record but not relied upon.

35 USC §112, 2nd ¶

The claims 2 and 4 have been amended to address the section 112 rejection.

Withdrawal of the rejection is hereby requested.

35 USC §102

Although Prashant shows a constituent part of the present invention, Applicant submits that it is only a minor implementation detail. The instant patent application is directed to an invention that, as a whole, is an “executable runtime infrastructure for hosting components” and is also resolved into thirteen sub-parts (see p.23 of the application), all of which contribute to a new, inventive and, thus, protectable unit.

1) The service configurator mentioned by Prashant is an implementation detail in order to load services into a program. This aspect (specifically claim 2 and partially in claim 5 but not in claim 1) could also be implemented in some other way, for example by static configuration or a simple repository (both are shown in the prior art) and is thus not decisive for recognizing the patentability of the instant patent application.

2) The part “ATOMIC” that is cited in the patent application and that corresponds to US Patent No. 6,012,081 is utilized for the anonymous and asynchronous communication between the components being run in the generic main program.

3) The part “SESAM” that is cited in the patent application and that likewise corresponds to US Patent No. 6,275,871 inventively serves for the asynchronous method call between the components being run as well as for the asynchronous, hierarchic event distribution (timer, notification, job completion) within and between the components in the generic main program.

4) The “Framework Connector” is employed for the asynchronous inter-framework communication at the one side and for the duality of the “generic container” (Message Pump Interconnection). In other words, the container can be variably employed in terms of runtime both in the role of a User Interface Container (then hosts UI components) as well as in the role of a Business Logic Container (then hosts Business Logic components) or, on the other hand, in a mixture of the two (then hosts both types of components).

5) The inventive part “Remote Control of Services via Service Configuration Manager” is utilized for generating a configuration datafile in an active “generic container” and, thus, for describing services or components in an active “generic container” (see page 8, bottom, of the present application). For this, the “Service Configuration Manager” administers configuration datafiles that in turn reference the components (services). A line respectively corresponds to a component.

6) The “Process Manager” is employed for monitoring all “generic containers” active in a system and for activating the loading of services or components into an active “generic container” (page 21, bottom, of the present application). For this, the “Service Configuration Manager” administers configuration datafiles that in turn reference the components (services).

7) The binary executable itself that, among other things, contains the components recited in new patent claim 6.

Thus, the claimed invention is not shown in the cited Prashant reference.

35 USC §103

Even when the Prashant reference is considered in combination with the secondary references, there is not teaching or suggestion that would lead the person of ordinary skill in the art to the present invention.

Thus, all pending claims in the present application are allowable and early allowance of the present application is hereby requested.

**Further Remarks to Distinguish the Claims Over the Cited Prior Art**

Applicants respectfully submit that the claims of the present application as presented in Amendment A are patentably distinct over the prior art cited in the action.

None of the prior art references that are the basis of the rejections disclose or teach a “generic main” that is independent of the operating system. This feature is found in claim 1. No prior art reference teaches or suggests the many details of the “generic main” that are listed further in patent claim 6.

Furthermore, none of the prior art references that form the basis of the rejections describes a “framework connector” that connects the components among one another (such as the “generic main” as well”) and components with one another at runtime.

Applicants respectfully submit that each of the prior art references disclose only possible implementation details, but nowhere do they disclose the idea of a generally-applicable and closed process environment that can autonomously execute both user interface and business logic applications via configuration at runtime.

The implementations (ATOMIC, SESAM) that were referenced in the previous amendment and that are the subject of issued patents use this process environment. The “generic main” of the present application executes both user interface and business logic applications in the same computer program via the labeled “framework connector.” This is accomplished for example by means of synchronous communication possibilities via ATOMIC and SESAM. This can not be achieved via the combination of the references cited by the Examiner in the action.

Further consider the comments in the prior response as to the 1) the service configurator, etc.

In view of the lack of teaching of the elements of the claimed invention in the cited prior art, Applicants respectfully request allowance of the present application.

### **Delay in Prosecution**

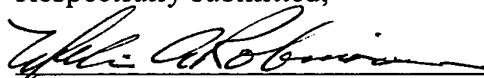
The present application was filed on December 18, 1998 and a response to a first action on the merits was filed on October 11, 2002. The Patent Office response to this October 11, 2002, amendment was mailed by the Patent Office on October 7, 2005, just days short of three years from the filing of the amendment. In the interrim, a notice of abandonment was issued by the patent office and two Petitions to revive the application were filed. It is noted that no decision has been received in either of the two Petitions. The abandonment was based on the failure to respond to an Office Action presumably mailed by the Patent Office on December 31, 2002 (New Year's Eve). No such action was received by the Applicant, as set forth in the two Petitions, and repeated calls to the Examiner and the personnel in the art unit requesting a copy of the alleged December 31, 2002, Office Action, did not result in resulted in a refusal to even forward a copy of such action.

Although the present application was filed prior to the implementation of the provisions of Patent Term Adjustment, the unexplained nearly three year delay in the present application certainly qualifies this case as exceptional and as such, Applicants request that consideration be given to according this application an appropriat adjustment of the patent term under 35 USC 154.

### **Conclusion**

Applicants respectfully request reconsideration and allowance of the present application.

Respectfully submitted,



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